

Remarks

Responsive to the Office action mailed December 27, 2005, Applicants provide the remarks herein below. Reexamination and allowance of the subject application is respectfully requested.

Restriction/Election

Applicants herein affirm the election to prosecute the invention of Group I, including claims 1-13. To expedite prosecution, claims 14-20 have been cancelled. These claims may be prosecuted in a separate divisional application.

Objections to the Drawings

The drawings were objected to for failing to illustrate the spring that biases the plunger toward a retracted position when the solenoid is de-energized. Claims 6 and 10 are cancelled herein. As such, a compression spring biasing the plunger toward a retracted position when the solenoid is de-energized is no longer claimed. The object to the drawings is rendered moot by this amendment.

Objections to the Claims

Claim 2 was objected to because the word --lever-- was misspelled. Claim 2 has been amended to correct this error. Withdrawal of the objection is respectfully requested.

Rejections Under 35 U.S.C. §102

Claims 1, 3, 5, 7, and 8 were rejected under 35 U.S.C. §102(b) as being anticipated by Mochida (U.S. Patent No. 4,473,141). This rejection is overcome for the reasons that follow.

Independent claim 1, upon which claims 3, 5, 7 and 8 ultimately depend, recites, in part, "a solenoid comprising a plunger moveable between an extended position and a retracted position, wherein when said lever is disposed in said first position and said plunger is in said extended position said plunger is disposed between said lever bearing surface and said stationary bearing surface thereby blocking said lever from pivoting to said second position, and when said

plunger is in said retracted position said lever is not blocked from pivoting between said first position and said second position." (Emphasis added).

Mochida is directed at a shift lever control device, which may "permit the shift lever to be shifted from the reverse position to the park position or vice versa only while a park brake is operative after the engine has been started." Col. 1, l. 61-64. In the automatic transmission, with which the shift control device is used, "selection of one of these transmission modes can be achieved by shifting the shift lever 4 (in FIG. 1) about the axle 2. The travel of the shift lever 4 is restricted by the pin 13 which moves along the cutout 15 in conjunction with the movement of the shift lever 4." Col. 4, l. 20-25. The operation of the mechanism for controlling the selection of transmission modes is described in the paragraph at col. 4, l. 46-55 of Mochida, which reads:

"Next, in the case where the parking brake is not in operation, since the first switch 34 is therefore off, no current is passed through the electromagnetic mechanism 29 from the power supply 36, so that the electromagnetic mechanism 29 is deenergized. Accordingly, the plunger member 31 is urged by the elastic force of the spring 33 into contact with the separating surface 24. Therefore, it is impossible to shift the shift lever 4 from the Reverse position (R) to the Park position (P), or vice versa." (Emphasis added).

Consistent with the foregoing, Mochida does not teach a mechanism in which the plunger (31) is disposed between the pin (13) and the separating surface (24) to prevent the movement of the pin between the reverse (R) and park (P) regions of the cutout (15). Rather, the plunger (31) is disposed between the reverse (R) and park (P) regions of the cutout (15) and is merely adjacent to the separating surface (24) and the pin (13). Blocking the movement of the pin (13) results merely from obstructing the pathway of the cutout (15) connecting the reverse (R) and park (P) positions. Furthermore, with regard to the aspect of Mochida depicted in FIGS. 5A and 5B, the pin (13) is actually disposed between the plunger (31) and the separating surface (24). See broken line in FIG. 5B. This is the reverse of the claimed configuration.

In view of the foregoing, it is respectfully submitted that, the plunger of Mochida is never disposed between the separating surface and the pin to block the movement of the pin. Accordingly, because Mochida fails to teach, or even suggest, every aspect of the invention of

claim 1, independent claim 1, and claims 3, 5, 7, and 8 ultimately depending thereupon, are not anticipated by Mochida. Withdrawal of this rejection is respectfully requested.

New claims 23-29 recite an actuator including a latching lever having a bearing surface, a stationary bearing surface, and a solenoid comprising a plunger. In part, independent claim 23 requires “in said extended position said plunger is compressed between said lever bearing surface and said stationary bearing surface, thereby blocking said lever from pivoting to said second position.” As discussed with regard to independent claim 1, Mochida teaches a configuration in which a plunger may be disposed in a cutout in the position plate of a shift mechanism to prevent the movement of a pin through the obstructed portion of the cutout. Mochida does not, therefore, teach an arrangement as claimed in claims 23-29. As such, new claims 23-29 are believed to be patentable over Mochida.

Rejections Under 35 U.S.C. §103

Claim 2 was rejected under 35 U.S.C. §103(a) as being obvious over Mochida in view of Dorr et al. (U.S. Patent No. 5,379,872). As discussed above, Mochida fails to teach the invention of independent claim 1, upon which claim 2 depends. Dorr et al. fails to remedy the deficiencies of Mochida with regard to independent claim 1. As such, the combined teachings of Mochida and Dorr et al. are insufficient to render the invention of claim 1, or of claim 2, obvious. Withdrawal of this rejection upon consideration of the remarks herein is respectfully requested.

Claim 4 was rejected under 35 U.S.C. §103(a) as being obvious over Mochida in view of Kataumi et al. (U.S. Patent No. 5,421,792). It is respectfully submitted that Kataumi et al. also fails to teach, or even suggest an actuator providing a plunger of a solenoid disposed between a lever bearing surface and a stationary bearing surface to block the pivotal movement of the lever to a second position. As such, the combined teachings of Mochida and Kataumi et al. are insufficient to render the invention of claim 1 or the invention of claim 4 obvious. Withdrawal of this rejection is respectfully requested.

Claim 6 was rejected under 35 U.S.C. §103(a) as being obvious over Mochida in view of Rolinski et al. (U.S. Patent No. 5,129,494). Claim 6 has been cancelled herein, rendering the rejection thereof moot.

Claims 9, 12, and 13 were rejected under 35 U.S.C. §103(a) as being obvious over Mochida in view of Dorr et al. Similar to claim 1, independent claim 9 recites, in part, a lever having a lever roller, a stationary roller, and a solenoid comprising a plunger, “wherein said plunger is disposed between said lever roller and said stationary roller when said plunger is in said extended position and said lever is in said first position, thereby preventing said lever from pivoting to said second position.”

As discussed with respect to claim 1, Mochida fails to teach an arrangement in which the plunger is disposed between the lever roller and a stationary roller. Dorr et al. similarly fails to provide any such teaching or suggestion. Accordingly, independent claim 9, and claims 12 and 13 ultimately depending thereupon, are not obvious over the combined teachings of Mochida and Dorr et al. Withdrawal of this rejection is, therefore, respectfully requested.

Claim 10 was rejected under 35 U.S.C. §103(a) as being obvious over Mochida in view of Dorr et al. and further in view of Kataumi et al. Claim 10 has been cancelled herein, rendering this rejection moot.

Claim 11 was rejected Under 35 U.S.C. §103(a) as being obvious over Mochida in view of Dorr et al. and further in view of Rolinski et al. As discussed above, Mochida and Dorr et al. fail to render independent claim 9, upon which claim 11 ultimately depends, obvious. The further consideration of Rolinski et al. does not remedy the deficiencies of Mochida and Dorr et al. Accordingly, the combined teachings of Mochida, Dorr et al. and Rolinski et al. fail to render claim 9, or claim 11 ultimately depending thereupon, obvious. Applicants respectfully request that this rejection be withdrawn upon reconsideration.

Having overcome all of the outstanding objections and rejections, the application is not in condition for allowance. An early allowance of the subject application is respectfully requested.

No additional fees are believed necessitated by this response. However, in the event of any fee deficiencies, or that additional fees are payable, please charge our Deposit Account No. 50-2121 as necessary.

RESPECTFULLY SUBMITTED,

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